

ESTTA Tracking number: **ESTTA500566**

Filing date: **10/17/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

Name	Playtech Software Limited
Granted to Date of previous extension	11/03/2012
Address	Trident ChambersPO Box 146 Road Town, Tortola, VIRGIN ISLANDS, BRITISH

Name	Playtech Limited
Granted to Date of previous extension	11/03/2012
Address	Trident ChambersPO Box 146 Road Town, Tortola, VIRGIN ISLANDS, BRITISH

Attorney information	Howard S. Michael Brinks Hofer Gilson and Lione P.O. Box 10395 Chicago, IL 60610 UNITED STATES officeactions@brinkshofer.com, rrios@brinkshofer.com, hmichael@brinkshofer.com
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### Applicant Information

Application No	85587119	Publication date	09/04/2012
Opposition Filing Date	10/17/2012	Opposition Period Ends	11/03/2012
Applicant	Broom, Amy B. 6565 Allison Road Miami Beach, FL 33141 UNITED STATES		


### Goods/Services Affected by Opposition

Class 035.  
All goods and services in the class are opposed, namely: Vending in the field of video game equipment and software

### Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3625114	Application Date	11/07/2006
Registration Date	05/26/2009	Foreign Priority Date	NONE
Word Mark	PLAYTECH		
Design Mark			
Description of Mark	The mark consists of a logo comprised of a BLUE TRIANGLE with two BLUE circles WITH WHITE SHADING and the stylized word "PLAYTECH" in BLUE.		
Goods/Services	<p>Class 009. First use:</p> <p>COMPUTER SOFTWARE PLATFORM FOR INCORPORATING SINGLE OR MULTIPLE APPLICATIONS FEATURING FUNCTIONAL AND GRAPHICAL ELEMENTS IN THE GAMBLING FIELD; COMPUTER SOFTWARE FOR THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD; ELECTRONIC COMPONENTS FOR SLOT MACHINES; ELECTRONIC COMPONENTS FOR GAMBLING MACHINES; ELECTRONIC COMPONENTS FOR JUKE BOXES; ELECTRIC APPARATUS AND INSTRUMENTS, NAMELY, SLOT MACHINES, JUKEBOXES, AND CASINO MACHINES, NAMELY, GAMBLING MACHINES; AUTOMATIC VENDING MACHINES AND MECHANISMS FOR COIN-OPERATED APPARATUS IN THE GAMBLING FIELD</p> <p>Class 042. First use:</p> <p>COMPUTER SOFTWARE RESEARCH, DEVELOPMENT AND DESIGN IN CONNECTION WITH COMPUTER UNIFIED SOFTWARE PLATFORM INCORPORATING A SINGLE OR MULTIPLE APPLICATIONS FEATURING FUNCTIONAL AND GRAPHICAL ELEMENTS IN THE GAMBLING FIELD; APPLICATION SERVICE PROVIDER FEATURING COMPUTER SOFTWARE FOR THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; APPLICATION SERVICE PROVIDER FEATURING COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE * FOR * THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD</p>		

U.S. Registration No.	3625113	Application Date	11/07/2006
Registration Date	05/26/2009	Foreign Priority Date	NONE
Word Mark	PLAYTECH		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use:  COMPUTER SOFTWARE PLATFORM FOR INCORPORATING SINGLE OR MULTIPLE APPLICATIONS FEATURING FUNCTIONAL AND GRAPHICAL ELEMENTS IN THE GAMBLING FIELD; COMPUTER SOFTWARE FOR THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD; ELECTRONIC COMPONENTS FOR SLOT MACHINES; ELECTRONIC COMPONENTS FOR GAMBLING MACHINES; ELECTRONIC COMPONENTS FOR JUKE BOXES; ELECTRIC APPARATUS AND INSTRUMENTS, NAMELY, SLOT MACHINES, JUKEBOXES, AND CASINO MACHINES, NAMELY, GAMBLING MACHINES; AUTOMATIC VENDING MACHINES AND MECHANISMS FOR COIN-OPERATED APPARATUS IN THE GAMBLING FIELD</p> <p>Class 042. First use:  COMPUTER SOFTWARE RESEARCH, DEVELOPMENT AND DESIGN IN CONNECTION WITH COMPUTER UNIFIED SOFTWARE PLATFORM INCORPORATING * A * SINGLE OR MULTIPLE APPLICATIONS FEATURING FUNCTIONAL AND GRAPHICAL ELEMENTS IN THE GAMBLING FIELD; APPLICATION SERVICE PROVIDER FEATURING COMPUTER SOFTWARE FOR THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; APPLICATION SERVICE PROVIDER FEATURING COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE [ , ] * FOR * THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD</p>
Attachments	77038137#TMSN.jpeg ( 1 page )( bytes ) 77038136#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition 10-2-12.pdf ( 6 pages )(101073 bytes )

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/HSM/
Name	Howard S. Michael
Date	10/17/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PLAYTECH LIMITED and PLAYTECH  
SOFTWARE LIMITED,

Opposers,

v.

AMY B. BROOM,

Applicant.

Opposition No. \_\_\_\_\_

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**NOTICE OF OPPOSITION**

Opposers Playtech Limited and Playtech Software Limited (“Playtech” or “Opposers”), corporations duly organized and existing under the laws of the British Virgin Islands, with a principal place of business in the Isle of Man, believe that they will be damaged by registration of the mark that is the subject of United States Application Serial No. 85/587,119 (the “Opposed Mark”), in the name of Amy B. Broom, an individual residing in Miami Beach, Florida (“Applicant”), and therefore hereby oppose said application pursuant to 15 U.S.C. § 1063. In support of this opposition, Opposers state as follows:

1. Applicant Amy B. Broom is the owner of intent-to-use U.S. Trademark Application Serial No. 85/587,119 for the mark PLAYTEK GAMING & Design, filed on April 2, 2012, and covering the following recitation of services: “Vending in the field of video game equipment and software” in International Class 35.
2. Playtech Limited is the largest publicly held trading online gambling company in the world.
3. Opposer Playtech Software Limited is the wholly-owned subsidiary of Playtech Limited.

4. Opposer Playtech Limited is the owner of all right, title and interest to U.S. Reg. No. 3,625,113 for the Mark PLAYTECH, registered on May 26, 2009, pursuant to Section 44(e) of the Lanham Act, 15 U.S.C. § 1126(e), and covering the following goods and services:

“Computer software platform for incorporating single or multiple applications featuring functional and graphical elements in the gambling field; computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; computer application software for mobile phones in the on-line gambling field; electronic components for slot machines; electronic components for gambling machines; electronic components for juke boxes; electric apparatus and instruments, namely, slot machines, jukeboxes, and casino machines, namely, gambling machines; automatic vending machines and mechanisms for coin-operated apparatus in the gambling field” in International Class 9.

“Computer software research, development and design in connection with computer unified software platform incorporating \* a \* single or multiple applications featuring functional and graphical elements in the gambling field; application service provider featuring computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; application service provider featuring computer application software for mobile phones in the on-line gambling field; providing temporary use of non-downloadable computer software [ , ] \* for \* the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; providing temporary use of non-downloadable computer application software for mobile phones in the on-line gambling field” in International Class 42.

5. Opposer Playtech Limited is the owner of all right, title and interest to U.S. Reg. No. 3,625,114 for the Mark PLAYTECH & Design, registered on May 26, 2009, pursuant to Section 44(e) of the Lanham Act, 15 U.S.C. § 1126(e), and covering the following goods and services::

“Computer software platform for incorporating single or multiple applications featuring functional and graphical elements in the gambling field; computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; computer application software for mobile phones in the on-line gambling field; electronic components for slot machines; electronic components for gambling machines; electronic components for juke boxes; electric apparatus and instruments, namely, slot machines, jukeboxes, and casino

machines, namely, gambling machines; automatic vending machines and mechanisms for coin-operated apparatus in the gambling field” in International Class 9.

“Computer software research, development and design in connection with computer unified software platform incorporating a single or multiple applications featuring functional and graphical elements in the gambling field; application service provider featuring computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; application service provider featuring computer application software for mobile phones in the on-line gambling field; providing temporary use of non-downloadable computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; providing temporary use of non-downloadable computer application software for mobile phones in the on-line gambling field” in International Class 42.

6. Opposers’ rights in their PLAYTECH Mark are prior to Applicant’s priority date in the United States for the Opposed Mark. The registration certificates for Opposers’ Reg. Nos. 3,625,113 and 3,625,114 issued prior to the filing date of Applicant’s Application Serial No. 85/587,119.

7. Notwithstanding Opposers’ prior rights in and to the PLAYTECH Mark, Applicant filed, on April 2, 2012, an application to register the PLAYTEK GAMING & Design mark (Application Serial No. 85/587,119). Upon information and belief, Applicant was aware of Opposers’ PLAYTECH Mark before Applicant filed Application Serial No. 85/587,119.

8. The PLAYTEK GAMING & Design mark is confusingly similar to Opposers’ PLAYTECH Mark, and the registration and use of the Opposed Mark by Applicant in association with the claimed services is likely to cause confusion as to the source or origin of Applicant’s services, and is likely to mislead consumers, all to Opposers’ damage. The Opposed Mark is strikingly similar to the PLAYTECH Mark in appearance, sound, meaning, and commercial impression.

9. The goods and services covered by Opposers' registrations, and those contained in the recitation of services in Application Serial No. 85/587,119, are closely related and are offered to the same or overlapping classes of purchasers.

10. The Opposed Mark, as used or to be used in connection with the claimed services, is likely to cause confusion in the minds of the public, and is likely to deceive purchasers. The public, upon seeing the Opposed Mark in connection with Applicant's services, would believe that such services originate with, are sponsored by, or have some connection with Opposers. Accordingly, registration of the Opposed Mark would seriously damage Opposers, and registration therefore should be refused pursuant to Section 2(d) of the Trademark Act.

WHEREFORE, Opposers believe that they will be damaged by registration of the mark which is the subject of United States Trademark Application Serial No. 85/587,119, and therefore respectfully requests that said registration be refused.

The Director hereby is authorized to charge the filing fee for this Notice of Opposition to Deposit Account No. 23-1925.

Respectfully submitted,

Date: October 17, 2012

By: /s/ Howard S. Michael  
William H. Frankel  
Howard S. Michael  
BRINKS HOFER GILSON & LIONE  
NBC Tower - Suite 3600  
455 N. Cityfront Plaza Drive  
Chicago, Illinois 60611-5599  
Tel: (312) 321-4200  
Fax: (312) 321-4299

Attorneys For Opposer

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Opposition was served on counsel for the Applicant by U.S. first class mail, postage prepaid, and email, addressed as follows:

Amy B. Broom  
6565 Allison Road  
Miami Beach, FLORIDA 33141

Dated: October 17, 2012

/s/ Howard S. Michael